

DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship is as stated below next to our names,

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND APPARATUS FOR TREATING INSUFFICIENCY USING DIRECTIONALLY APPLIED ENERGY**, the specification of which (check one)

_____ is attached hereto

 x was filed on March 4, 1997

as Application Serial No. 08/811,820 and
was amended on (or amended through) _____
(if applicable).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §. 1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, §. 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>None</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
No.	Country	Day/Month/Year filed	Yes	No

We hereby claim the benefit under Title 35, United States Code, §. 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §. 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §. 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

<u>None</u>	<u> </u>	<u> </u>	<u> </u>
Appl. Serial No.	Filing Date	Status	

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

THOMAS A. RUNK, Registration No. 30,679; CRAIG B. BAILEY, Registration No. 28,786; GILBERT G. KOVELMAN, Registration No. 19,552; RICHARD A. BARDIN, Registration No. 20,365; JAMES JUO, Registration No. 36,177; JOHN K. FITZGERALD, Registration No. 38,881; RICHARD B. CATES, Registration No. 36,100; DAVID G. PARKHURST, Registration No. 29,422; DAVID S. SARISKY, Registration No. P-41,288; and HOWARD N. SOMMERS, Registration No. 24,138. Please direct all telephone calls to THOMAS A. RUNK at telephone No. (310) 824-5555.

Address all correspondence to:

FULWIDER PATTON LEE & UTECHT, LLP
10877 Wilshire Boulevard, Tenth Floor
Los Angeles, California 90024

Full name of first inventor: BRIAN E. FARLEY

Inventor's signature: Brian E. Farley

Date: June 13, 1997

Residence: Los Altos, California

Citizenship: USA

Post Office Address: 1534 Kathy Lane
Los Altos, CA 94024

Full name of second inventor: MICHAEL D. LAUFER

Inventor's signature: Michael D. Laufer

Date: 6-17-97, 1997

Residence: Menlo Park, California

Citizenship: USA

Post Office Address: 1259 El Camino #²¹¹~~121~~
Menlo Park, CA 94025

Full name of third inventor: DAWN A. HENDERSON

Inventor's signature: *Dawn A. Henderson*

Date: June 9, 1997

Residence: Palo Alto, California

Citizenship: USA

Post Office Address: 2935 Alexis Drive
Palo Alto, CA 94304

Full name of fourth inventor: DOUGLAS M. PETTY

Inventor's signature: *[Signature]*

Date: 6/10/97, 1997

Residence: Pleasanton, California

Citizenship: USA

Post Office Address: 1672 Paseo Del Cajon
Pleasanton, CA 94566

Full name of fifth inventor: MARK P. PARKER

Inventor's signature: *Mark P. Parker*

Date: June 9, 1997

Residence: San Jose, California

Citizenship: USA

Post Office Address: 5569 Dent Avenue
San Jose, CA 95118

Applicant or Patentee: Brian E. Farley, et al.

Docket No. VNUS-38619

Serial or Patent No.: 08/811,820

Filed or Issued: March 4, 1997

For: METHOD AND APPARATUS FOR TREATING VENOUS INSUFFICIENCY USING DIRECTIONALLY APPLIED ENERGY

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am

☐ the owner of the small business concern identified below

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: VNUS MEDICAL TECHNOLOGIES, INC.

ADDRESS OF CONCERN: 238 E. Caribbean Drive, Sunnyvale, California 94086

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled: METHOD AND APPARATUS FOR TREATING VENOUS INSUFFICIENCY USING DIRECTIONALLY APPLIED ENERGY by Brian E. Farley, et al. described in:

☐ the specification filed herewith

☒ application Serial No. 08/811,820 filed March 4, 1997

☐ Patent No. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e).

*Note: Separate verified statements are required for each named person, concern or organization having rights to the invention averring to their status as a small entities. (37 CFR 1.27).

FULL NAME:

ADDRESS:

☐ Individual

☐ Small Business Concern

☐ Non-Profit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

SIGNATURE:

Brian E. Farley

DATE:

June 13, 1997

TYPED NAME OF PERSON SIGNING:

Brian E. Farley

TITLE OF PERSON:

President & CEO

ADDRESS OF PERSON SIGNING:

238 E. Caribbean Drive, Sunnyvale, CA 94086